

Redacted pursuant to
18 U.S.C. 3509(d)(2)

UNITED STATES DISTRICT COURT
for the
Eastern District of Pennsylvania

United States of America)

v.)

EVAN BURGESS)

Case No.

17-1578-M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of Sept. 19, 2014 - Aug. 14, 2016 in the county of Montgomery in the
Eastern District of Pennsylvania & elsewhere, the defendant(s) violated:*Code Section*

18 U.S.C. 2423(b), (e)

Offense Description

traveling in interstate commerce for the purpose of engaging in any illicit sexual conduct with another person, and attempting to do so

This criminal complaint is based on these facts:

See attached affidavit

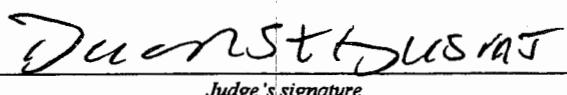
 Continued on the attached sheet.


Complainant's signature

FBI SA Rosemarie Vesci

Printed name and title

Sworn to before me and signed in my presence.

Date: Nov. 27, 2017


Judge's signature
City and state: Philadelphia, PA

Hon. David R. Strawbridge, U.S. Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF
ARREST WARRANT AND SEARCH WARRANT**

I, Rosemarie Vesci, being duly sworn, do hereby depose and state:

BACKGROUND

1. I have been employed as a Special Agent of the FBI since 2004, and am currently assigned to the Philadelphia Division, Fort Washington Resident Agency. While employed by the FBI, I have investigated federal criminal violations related to high technology or cybercrime, child exploitation, and child pornography. I have gained experience through training, my prior employment, the FBI academy, and everyday work relating to conducting these types of investigations. I have received training in the area of child pornography and child exploitation, and have had the opportunity to observe and review numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media including computer media. Moreover, I am a federal law enforcement officer who is engaged in enforcing the criminal laws, including 18 U.S.C. § 2423, and I am authorized by the Attorney General to request a search warrant.

2. This affidavit is being made in support of a criminal complaint and arrest warrant for EVAN BURGESS, d/o/b 04/xx/1991, for violations of 18 U.S.C. § 2423, travel for the purpose of engaging in illicit sexual conduct, and attempt. This affidavit is also made in support of a search warrant to search for evidence, contraband, fruits and instrumentalities, further described in Attachment B, of violations of 18 U.S.C. § 2423, in BURGESS' cellular phone, a white iPhone 6s Plus, bearing serial # C39RF17CGRX1, assigned phone number 610-316-8121 (the Target Cell Phone), currently located at Whitpain Police Department, further described in Attachment A.

3. The statements in this Affidavit are based in part on my investigation of this matter and on information provided by other law enforcement officers. Because this affidavit is being submitted for the limited purpose of securing an arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only those facts that I believe are necessary to establish probable cause to believe that EVAN BURGESS has committed violations of 18 U.S.C. § 2423 within the Eastern District of Pennsylvania and elsewhere, and to establish that evidence, further described in Attachment B, will be found in the Target Cell Phone, further described in Attachment A.

RELEVANT STATUTES

4. 18 U.S.C. § 2423(b) makes it a crime to travel in interstate commerce for the purpose of engaging in illicit sexual conduct, or attempt to do so.

5. "Illicit sexual conduct" means "(1) a sexual act (as defined in section 2246) with a person under 18 years of age that would be in violation of chapter 109A if the sexual act occurred in the special maritime and territorial jurisdiction of the United States." 18 U.S.C. § 2423(f).

6. Violations of chapter 109A include violations of Section 2242 (Sexual Abuse) and 2243 (Sexual Abuse of a Minor). Section 2242(2) makes it a crime, in the special maritime and territorial jurisdiction of the United States, to "engage[] in a sexual act with another person if that other person is (A) incapable of appraising the nature of the conduct; or (B) physically incapable of declining participation in, or communicating unwillingness to engage in, that sexual act." 18 U.S.C. § 2242(2). Section 2243(a) makes it a crime, in the special maritime and territorial jurisdiction of the United States, to "knowingly engage[] in a sexual act with another

person who (1) has attained the age of 12 years but has not attained the age of 16 years; and (2) is at least four years younger than the person so engaging." 18 U.S.C. § 2243(a).

7. A "sexual act" is defined to include "contact between . . . the penis and the anus, and for purposes of this subparagraph contact involving the penis occurs upon penetration, however slight, (B) contact between the mouth and the penis, . . . or (D) the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person." 18 U.S.C. § 2246(2).

FACTS SUPPORTING PROBABLE CAUSE

8. In mid-October 2017, your Affiant was contacted by Eric Cox, Assistant Solicitor, Montgomery County, PA, regarding an active investigation by Children and Youth Services of a karate instructor named EVAN BURGESS. BURGESS resided in Blue Bell, PA, at the time of the allegations, so the matter was being investigated by the Whitpain Township Police and the Montgomery County District Attorney's Office. Several minors who were students at a karate studio made allegations of sexual abuse by BURGESS. Some of the reported incidents occurred in Montgomery County and others occurred during hotel stays in other states while at karate tournaments. As a result, Cox contacted the FBI Fort Washington Office to request assistance in investigating the incidents which occurred outside of Montgomery County.

9. For several years until May 2017, BURGESS was employed as a karate instructor at Destolfo's Premier Martial Arts Studio in Plymouth Meeting, PA. Parents of several minors who train at the studio made allegations to the studio owners that BURGESS sexually abused them. In May 2017, the owners confronted BURGESS and told him he could no longer work at

the studio as a result of the allegations. After being fired, BURGESS traveled for a while, to include overseas travel, and then obtained employment in September 2017 at McKoy's Action Karate, in Auburn, Massachusetts. BURGESS teaches both adults and children, as young as 3 years old, at his current job at McKoy's Action Karate.

10. On September 15, 2017, Minor 1 was forensically interviewed at Mission Kids Child Advocacy Center in Montgomery County, PA. Minor 1 was born in early 2000. Minor 1 trained at Destolfo's Premier Martial Arts and BURGESS was his primary trainer. Minor 1 disclosed that in February 2014 (when he was 14), [REDACTED] at BURGESS' house in Blue Bell, PA. Minor 1 was sitting on a couch in BURGESS' basement with BURGESS next to him. They had a blanket over their waists and BURGESS reached out and touched Minor 1's penis, over his pants. Minor 1 moved away from BURGESS and did not say anything about the incident at the time.

11. Minor 1 also disclosed sexual abuse by BURGESS which occurred in a hotel in National Harbor, Maryland, in August 2016, when Minor 1 was 16 years old. Minor 1 and BURGESS each had traveled to Maryland for a karate tournament called the Capital Classic.

[REDACTED]

Minor 1 fell asleep, and woke up in the middle of the night lying on his side with his pants pulled down, BURGESS lying on his side in front of Minor 1 facing the same direction, and BURGESS grinding against him attempting to put Minor 1's penis in BURGESS' buttocks. Minor 1 jumped out of bed, dressed, left the hotel, and walked around the city for the remainder of the night. About 6 months later, Minor 1 broke down and told his father what had happened.

12. Your affiant located an online advertisement from the Capital Classic Karate Tournament in Maryland, August 12 to 13th at the Gaylord National Resort and Convention Center. Minor 1's parents stayed for the first night of the tournament and provided a copy of their hotel receipt from the aforementioned hotel, dated August 12-13, 2016.

13. Minor 2, who was born in early 1999, also trained at the Karate studio for several years and was also instructed by BURGESS. On September 29, 2017, Minor 2 was forensically interviewed at Mission Kids Child Advocacy Center and disclosed sexual abuse by BURGESS. BURGESS and Minor 2 each traveled to a karate tournament called the Twin Tower Classic in Long Island, New York, Sept. 19-21, 2014. Minor 2 was 15 years old at the time. [REDACTED]

[REDACTED] Minor 2

fell asleep and woke up in the early hours of the morning to BURGESS in bed with him touching his penis through his clothing. [REDACTED]
[REDACTED]
[REDACTED]

14. Your Affiant located an online advertisement for the 2014 Twin Towers Classic Tournament in New York, September 19-20, 2014. Minor 2's parents provided a credit card receipt reflecting their hotel stay at the LaGuardia Hotel in East Elmhurst, New York, on September 19-21, 2014.

15. During a subsequent interview on November 24, 2017, Minor 2 told law enforcement he often received "weird" text messages, including texts of a "flirtatious nature,"

from BURGESS. Minor 2 further explained that BURGESS would send minors from the karate studio photos of himself, including photos of BURGESS without his shirt on. Minor 2 further explained that BURGESS was closer to the younger students than any other karate instructor at the studio had ever been, and BURGESS would ask students for their social media accounts and phone numbers so he could contact them via text or through social media platforms such as Snapchat. BURGESS would hang out with the students, go to the movies with them, and have them sleep over at his parent's house.

16. The mothers of Minor 1 and Minor 2 both reported that it was common for BURGESS to ask to share hotel rooms with mothers and their sons while away at karate tournaments, claiming that he could not afford his own room. Indeed, the parents took turns sharing their hotel rooms with BURGESS while out of state at karate tournaments. Minor 1 and Minor 2 reported that out-of-state karate tournaments were a frequent occurrence and listed several out-of-state tournaments that they and BURGESS had attended.

17. Minor 3 also trained at the Karate studio and reported sexual abuse by BURGESS, which occurred in BURGESS' basement in Blue Bell, PA. Minor 3 was born in late 2000. Minor 3 reported sleeping over in BURGESS' basement in April 2015, when he was 14 years old, and waking up to BURGESS performing oral sex on Minor 3, at which point he jumped out of bed and went to sleep on the couch.

18. As a result of the sexual abuse allegedly occurring in BURGESS' basement reported by Minor 1 and Minor 3, an arrest warrant was obtained by Whitpain Township Police in Montgomery County, and on November 24, 2017, law enforcement arrested BURGESS at his parents' residence in Blue Bell, PA. BURGESS was home from Massachusetts for the

Thanksgiving holiday and staying in his parents' basement.

19. BURGESS was taken to the Whitpain Township Police Department and thereafter knowingly and voluntarily waived his Miranda rights, and agreed to a voluntary interview with law enforcement. During the interview, BURGESS admitted to sharing beds with minors from the karate studio on numerous occasions, in his basement and in hotel rooms, but denied touching them as they described. BURGESS was asked about the various photos of students on his social media accounts but noted he didn't think there was anything wrong with taking photos of students and putting his arm around them in a friendly manner. BURGESS is supposed to open the McKoy's Karate Studio in Auburn, MA, at 9am on Monday, November 27, 2017 and wants to continue teaching classes there. BURGESS was released on \$75,000 bail the same day of his arrest.

20. At the time of his arrest, the Target Cell Phone was lying on BURGESS' bed. BURGESS indicated to law enforcement officers that he wanted them to bring the Target Cell Phone to the police station, which they did. BURGESS was then processed and taken to prison. The Target Cell Phone was taken into custody incident to arrest and is currently located at the Whitpain Police Department.

21. A review of BURGESS' publicly available Facebook page revealed hundreds of photos of students from the karate studio. In some instances, the photos are in albums with the minor's name, followed by "Photo Shoot" and a date. One photo album with a minor student's name contains approximately 45 photos of the minor in various poses outdoors in front of a building. Another photo album with a different minor student's name contains approximately 40 photos of the minor, including photos of the minor posing without a shirt in front of a building.

CONCLUSION

23. Based on the foregoing, I believe that probable cause exists that EVAN BURGESS has violated Title 18, United States Code, Section 2423(b) within the Eastern District of Pennsylvania and elsewhere, and request a warrant for his arrest. I further submit that there is probable cause that evidence, further described in Attachment B, will be found on the Target Cell Phone, further described in Attachment A, and respectfully request a search warrant.

Respectfully submitted,



Rosemarie Vesci
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me on November 27 ¹⁷, 2017



HONORABLE DAVID R. STRAWBRIDGE
UNITED STATES MAGISTRATE JUDGE